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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|------------------------|---|
| Proceeding | 91214492 |
| Party | Plaintiff Under Armour, Inc. |
| Correspondence Address | AARON Y SILVERSTEIN SAUNDERS & SILVERSTEIN LLP 14 CEDAR STREET , SUITE 224 AMESBURY, MA 01913-1831 UNITED STATES trademarks@massiplaw.com,asilverstein@massiplaw.com |
| Submission | Other Motions/Papers |
| Filer's Name | Aaron Y. Silverstein |
| Filer's e-mail | trademarks@massiplaw.com,asilverstein@massiplaw.com,rlessard@massiplaw.com |
| Signature | /asilverstein/ |
| Date | 03/05/2014 |
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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| UNDER ARMOUR, INC., Opposer, v. ARMOR & GLORY LLC, Applicant. | Opposition No.: 91214492 Serial No.: 85844392 Mark: ARMOR & GLORY |
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**OPPOSITION TO APPLICANT’S MOTION FOR A MORE
DEFINITE STATEMENT**

Opposer Under Armour, Inc. (“Opposer”), pursuant to Fed. R. Civ. P. 12(e) and TMBP § 505, hereby opposes Applicant Armor & Glory LLC’s (“Applicant”) Motion for a More Definite Statement set forth in Applicant’s Answer.

Section 505.1 of the TBMP provides that “[i]f, in an *inter partes* proceeding before the Board, a pleading to which a responsive pleading must be made is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, the responding party may move for a more definite statement.” TMBP § 505.01; *see* Fed. R. Civ. P. 12(e). A motion for a more definite statement “must be filed within the time for, *and before*, the moving party’s responsive pleading.” TMBP § 505.02 (emphasis added); *see* Fed. R. Civ. P. 12(e).

Here, Applicant filed its Motion for a More Definite Statement contemporaneously with its Answer. Accordingly, Applicant’s Motion for a More Definite Statement was untimely, as it was not filed prior to the filing of Applicant’s Answer, as required by Fed. R. Civ. P. 12(e) and TMBP § 505.

Because Applicant's Motion for a More Definite Statement was untimely, Opposer respectfully requests that the Board deny said Motion.

Respectfully submitted,

Dated: March 5, 2014

By: /s/ Aaron Y. Silverstein
Aaron Y. Silverstein
Saunders & Silverstein LLP
14 Cedar Street, Suite 224
Amesbury, MA 01913
Tel.: (978) 463-9130
Email: asilverstein@massiplaw.com

Attorneys for Opposer
UNDER ARMOUR, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition, along with all exhibits thereto, has been served on Applicant's counsel of record by mailing said copy on March 5, 2014, via First Class Mail, postage pre-paid to:

Marcus J. Bivines
303 S Peters Avenue
Norman, OK 73069

/s/ Aaron Y. Silverstein
Aaron Y. Silverstein